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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,529	02/20/2004	Bernard Hammond JR.	65725-0042	7483
23552	7590	02/17/2006		EXAMINER
MERCHANT & GOULD PC				PAUMEN, GARY F
P.O. BOX 2903				
MINNEAPOLIS, MN 55402-0903			ART UNIT	PAPER NUMBER
				2833

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

E/C

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/783,529	HAMMOND ET AL.
	Examiner	Art Unit
	Gary F. Paumen	2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 19 January 2006.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 50 and 54-70 is/are pending in the application.
  - 4a) Of the above claim(s) 70 is/are withdrawn from consideration.
- 5) Claim(s) 64-69 is/are allowed.
- 6) Claim(s) 50 and 54-63 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 19, 2006 has been entered.

Newly submitted claim 70 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the recitation of snap-fitting a cap about a jack.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 70 stands withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claims 50 and 54-69 are objected to because of the following informalities: it is unclear how the cap of the invention, which is plastic impregnated with an electrically conductive material, can be overall electrically non-conductive, since the conductive material is specifically added to make the structure electrically conductive. It is also unclear how the cap can reduce crosstalk if it is not grounded since shielding used to reduce crosstalk (EMI) is normally grounded , as in Lim and Sangree et al below. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50, 54 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim 5685740 in view of Sangree et al 6807068.

Lim substantially discloses the claimed invention, including termination cap 26,28 having conductive coatings and a cable notch 28b-3, the cap configured to fit about a jack. Lim, however, does not disclose the cap as including carbon filled material.

Sangree et al discloses an EMI shield 50 made of plastic loaded with stainless steel fibers or carbon fibers. It thus would have been obvious to form the termination cap of Lim in this way, for economy of manufacture. Lim as modified by Sangree et al would result in the same material composition as the claimed invention and thus would inherently function in the same manner.

Claims 55-58 and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Sangree et al as applied to claims 50 and 54 above, and further in view of Arnett et al 6746283.

Lim as modified by Sangree et al substantially discloses the claimed invention except for the insulation displacement contacts being in two columns. Arnett et al discloses two columns of insulation displacement contacts, and to arrange the contacts of Lim in this way thus would have been obvious, to facilitate wire termination. It would

have been obvious to use the assembly of Lim with an unshielded cable if shielding of the cable were deemed unnecessary in a particular situation.

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Sangree et al and Arnett et al as applied to claim 55 above, and further in view of Roselle et al 4820196.

Lim as modified by Sangree et al and Arnett et al substantially discloses the claimed invention except for a non-conductive insulator coating. Roselle et al discloses insulator coating 11, and to provide the cap with such a coating thus would have been obvious, to protect the cap.

Claims 64-69 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art of record, particularly the applied art, discloses or teaches a one-piece cap adapted to snap-fit about a jack and having a curved first notch and a second notch as claimed.

Applicant's arguments filed January 19, 2006 have been fully considered but they are not persuasive. Lim as modified by Sangree et al would result in the same material composition as the claimed invention and thus would inherently function in the same manner. It is unclear how the cap of the invention, which is plastic impregnated with an electrically conductive material, can be overall electrically non-conductive, since the conductive material is specifically added to make the structure electrically conductive. It is also unclear how the cap can reduce crosstalk if it is not grounded since shielding used to reduce crosstalk (EMI) is normally grounded, as in Lim and Sangree et al. In

any event, the cap of Lim as modified by Sangree et al is capable of being used with a non-shielded (non-grounded) cable if that were the only available cable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary F. Paumen whose telephone number is 571-272-2013. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800, ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gfp



GARY F. PAUMEN  
PATENT EXAMINER